

**State of California**  
**Department of Industrial Relations**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, January 4, 2012**  
**10:00 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: December 22, 2011**

**RE: Closed Session of the Board to be held on January 4, 2012**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

---

**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. A. TEICHERT & SONS DBA TEICHERT CONSTRUCTION, 09-R4D5-0459 AND 0460
2. ARMOUR STEEL CO., 08-R2D1-2649 THROUGH 2655
3. HOME DEPOT, 10-R3D6-3284
4. SIGN DESIGNS, INC., 08-R2D3-4686

**DECISION AFTER REMAND:**

*(Written decision issued by an Administrative Law Judge after the Board has remanded the original decision)*

1. DYNAMIC FABRICATION, INC., 10-R6D2-0629 THROUGH 0637

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For January 4, 2012**  
**Page 2**

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. ACCO ENGINEERED SYSTEMS, INC., 10-R2D1-1726
2. AGUAYO CONTRACTING, INC., 10-R6D7-2279
3. ALEJO GROCERS, INC. DBA LIBORIO MARKETS, 10-R4D1-4026 THROUGH 4028
4. ASR CONSTRUCTORS, INC., 11-R3D3-2502
5. AT&T LIGHTSPEED CONSTRUCTION, 09-R2D1-1634
6. B & J AUTO CENTER, INC., 11-R6D7-1141 AND 1142
7. BARNHART-BALFOUR BEATTY, INC., 11-R3D5-1267
8. BARREL TEN QUARTER CIRCLE, INC., 10-R1D5-1351 AND 1352
9. EVODIO BOLANOS, 11-R3D6-2505 THROUGH 2509
10. CA CORRECTIONS & REHABILITATION – IRONWOOD, 10-R3D3-2929
11. CALIFORNIA SKATEPARKS, 11-R4D1-0554 AND 0555
12. FELIPA OFELIA CARRETE AND PAOLA GUTIERREZ DBA PG, 11-R6D5-2314 AND 2315
13. CERTIFIED TIRE & SERVICE CENTERS, INC., 11-R1D4-0594
14. COMMUNITY CAREER DEVELOPMENT, INC., 11-R4D1-0029
15. DELTA PACKING OF LODI, INC., 11-R6D7-1672 THROUGH 1675
16. DELTA WINDOW CLEANING COMPANY, INCORPORATED, 10-R2D2-3889 THROUGH 3891
17. B. DIERMENJIAN D.D.S. DBA SACRAMENTO DENTAL ARTS, 09-R2D1-0896 THROUGH 0899
18. DELTA WINDOW CLEANING COMPANY, INCORPORATED, 10-R2D2-3889 THROUGH 3891

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For January 4, 2012**  
**Page 3**

19. EMPIRE FLOOR COVERING LLC, 11-R4D2-0397
20. ENVIRONMENTAL CONSTRUCTION GROUP, 10-R1D1-3055
21. FABRICA INTERNATIONAL, INC., 11-R3D1-1161
22. GOLDEN ACRE FARMS, INC., 11-R6D5-1862 THROUGH 1864
23. ESTANISLAO PEREZ GONZALEZ, 10-R4D1-3870 THROUGH 3872
24. GUDGEL YANCEY ROOFING, INC., 09-R2D3-2990
25. HAYWARD BAKER, INC., 11-R5D1-1822
26. HEPPNER HARDWOODS, INC., 11-R6D2-0901 THROUGH 0907
27. HERB THYME FARMS, 11-R4D2-0666
28. SERGIO HERNANDEZ, AN INDIVIDUAL DBA TORNADO PAINTING,  
11-R3D2-2296 AND 2297
29. INTERNATIONAL SURFACING SYSTEMS, 10-R1D5-2936
30. ITU CONSTRUCTION, INC., 11-R6D7-1766
31. J & J ACOUSTICS, INC., 10-R1D2-2382
32. JOHN BEAN TECHNOLOGIES CORP. DBA JBT FOOD TECH, 11-R2D5-1049  
AND 1050
33. KIEWIT PACIFIC CO., 08-R2D1-3829
34. KIWI PRESCHOOL & CHILDCARE, 10-R1D5-2967
35. LA LIVE PROPERTIES, 11-R4D1-0990
36. LAUSD IRVING MIDDLE SCHOOL, 11-R4D2-0518
37. JASON J. LEE, D.D.S., 10-R2D1-2391
38. LOS GATOS CONSTRUCTION CO., INC., 10-R1D4-1276 AND 1277
39. M C PAINTING, 11-R6D5-2528
40. M. L. ELECTRICWORKS, INC., 10-R3D2-3206 AND 3207

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For January 4, 2012**  
**Page 4**

41. MAGGIORA & GHILOTTI, INC., 10-R1D5-2608
42. MILLCREEK CONSTRUCTION GROUP, INC., 10-R2D1-0401 AND 0402
43. JAMES MORENTIN DBA FARMER'S OUTLET, 11-R6D5-2390
44. NAMASCO CORPORATION, 10-R6D2-3664 and 11-R6D2-0286 THROUGH 0293 and 11-R6D2-0342
45. PACIFIC PROVIDENCE CONSTRUCTION, INC., 11-R3D2-2826 AND 2827
46. JAMES PAPENHAUSEN II DBA PAPENHAUSEN CONSTRUCTION, 11-R6D5-2329 AND 2330
47. PENINSULA IMPROVEMENTS, INC. DBA CERTAPRO PAINTERS, 11-R6D7-1807
48. PIONEER HI-BRED INTERNATIONAL, INC., 08-R2D1- 4421 AND 4422
49. PREMIER ROOFING CA, INC., 11-R3D2-1382
50. PREMIUM WOOD STAKES, INC. DBA PALLET MASTER, 11-R6D5-1801 THROUGH 1806
51. PURRFECT AUTO SERVICE, 11-R3D6-2201 AND 2202
52. QUEST DIAGNOSTIC LOGISTIC DIVISION, 11-R2D5-0880
53. VALERIE SAMUELSON DBA VAL'S DINER, 11-R6D7-0454
54. SDCCD – CONTINUING EDUCATION N C CENTER, 11-R3D2-1196
55. SEDONA WEST ROOFING, INC., 11-R4D2-0626 AND 0627
56. SHEET METAL FABRICATION AND SUPPLY, INC., 09-R2D1-1101 THROUGH 1104
57. SIERRA PACIFIC INDUSTRIES, 08-R2D1-3826 THROUGH 3828
58. STATER BROTHERS DEVELOPMENT, INC., 10-R6D7-3195
59. TACTICAL SERVICES, INC., 11-R3D3-2340 AND 2341
60. TAYLOR MADE EXTERIORS, 10-R6D7-2211 AND 2212

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For January 4, 2012**  
**Page 5**

61. THE BARRICADE COMPANY AND TRAFFIC SUPPLY, INC., 10-R1D5-2826
62. VESSEY AND COMPANY, INC., 11-R6D5-2554 AND 2555
63. VIEIRA AGRICULTURAL ENTERPRISES, 09-R2D4-3285 AND 3286
64. VIEIRA AGRICULTURAL ENTERPRISES, 10-R6D7-2360
65. VOGUE SIGN COMPANY, 10-R6D2-2791 THROUGH 2794
66. W. D. YOUNG & SONS, INC., 11-R3D3-2533
67. W. D. YOUNG & SONS, INC., 11-R3D3-2534
68. WEST COAST SHOES, INC. DBA WEST COAST SPORTING GOOD,  
10-R6D7-0120 AND 0121

**ORDERS DISMISSING APPEALS:**

1. AMERICAN MECHANICAL CONSTRUCTION, INC., 11-R2D3-0580 AND 0581
2. ASMA AUTO MANAGEMENT, INC. DBA PURRFECT AUTO SERVICE #232,  
11-R2D1-0011 AND 0012
3. DEL NORTE COUNTY UNIFIED SCHOOL DISTRICT, 11-R2D1-0250
4. LIFETIME AUTO BODY, INC., 11-R6D5-0612 AND 0613
5. R3 CONTRACTORS, 11-R3D6-0190

**PETITIONS FOR RECONSIDERATION:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

1. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 07-R2D3-0275  
THROUGH 0280

**DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):**

1. BAY POLYMER CORPORATION, 10-R1D2-1655 AND 1656
2. CENTRAL FREIGHT LINES, INC., 10-R2D1-1888
3. HOLLANDER HOME FASHIONS, 10-R4D2-3704 THROUGH 3706

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For January 4, 2012**  
**Page 6**

4. MOHAMMED ARSHAD DBA A & Z AUTO BODY SHOP, 11-R6D7-9204

**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

1. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
2. AC TRANSIT, 08-R1D4-0135
3. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
4. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
5. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
6. ANNING-JOHNSON COMPANY, 06-R1D3-1976
7. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1219 AND 1221
8. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
9. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445  
AND 3448
10. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO.,  
09-R6D2-2239 THROUGH 2241
11. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
12. C & M FARM LABOR SERVICE, INC., 11-R2D5-0050
13. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
14. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
15. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
16. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR  
08-R6D5-3466 AND 3467
17. COMMERCIAL METAL FORMING, 09-R3D1-1592
18. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For January 4, 2012**  
**Page 7**

19. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
20. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
21. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
22. DESIGN BUILDERS, INC., 08-R4D4-1901
23. DUININCK BROS., INC., 06-R4D3-2871
24. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
25. DUKE PACIFIC, INC., 08-R3D3-574
26. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,  
09-R6D2-2325 THROUGH 2332
27. EZ MIX, INC., 08-R4D3-1898
28. FORTUNA IRON WORKS 06-R2D3-4222
29. HB PARKCO, 07-R4D2-1730 AND 1731
30. THE HERRICK CORP., 07-R3D1-495
31. INTERPAC TECHNOLOGIES, INC., 08-R2D1-4199 AND 4200
32. JENSEN PRECAST, 05-R2D1-2377
33. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
34. L & S CONSTRUCTION, 10-R3D2-1822
35. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
36. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
37. LION RAISINS, INC., 08-R2D5-2253 AND 2254
38. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
39. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
40. MARINE TERMINALS, 08-08-R6D2-1920
41. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For January 4, 2012**  
**Page 8**

42. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
43. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
44. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
45. ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667
46. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
47. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
48. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
49. P G & E CORPORATION DBA PACIFIC GAS & ELECTRIC CO., 11-R4D3-9132
50. POUK & STEINLE, INC., 09-R3D3-0491
51. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
52. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
53. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
54. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
55. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
56. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
57. SHERWOOD MECHANICAL, INC., 08-R3D2-4690 THROUGH 4693
58. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
59. SMUD, 08-R2D1-4887 THROUGH 4889
60. SODEXO HEALTH CARE, 11-R4D1-0200 AND 0201
61. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
62. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
63. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
64. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For January 4, 2012**  
**Page 9**

65. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION,  
05-R2D4-2650 AND 2651
66. UNITED PARCEL SERVICE, 07-R3D3-3322
67. VIP MOBILE DETAILERS, INC., 11-R2D4-0705
68. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095

**LEGISLATION:**

*(Discussion of pending legislation which may affect the Board).*

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
2. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),  
34-2007-00882192-CU-WM-GDS, (01-3261)
3. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB)  
(00-440)
4. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
5. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
6. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
7. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
8. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
9. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-  
80000640 (08-R2D1-0027 THROUGH 0030)
10. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For January 4, 2012**  
**Page 10**

11. SMUD, 34-2010-80000723 (08-R2D1-4887)
12. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
13. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
14. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965  
(10-0188~0191)
15. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010  
(08-R2D1-3273)
16. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459 THROUGH  
2461)

**COURT OF APPEAL**

1. JERLANE, INC., D060844 (2007-00056381) (01-4344 and 4345)

**PERSONNEL:**

*(Issues regarding staff)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.